

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-319 (Sub-No. 4X)

**Florida Central Railroad Company–Abandonment Exemption–
in Seminole and Orange Counties, FL**

BACKGROUND

In the above entitled proceeding, Florida Central Railroad Company, Inc. (FCEN) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad known as the Forest City Spur, extending from milepost F-4.5 at Toronto to the end of track at F-1.1 in Forest City, in Seminole and Orange Counties, FL, a distance of approximately 3.4 miles. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The right-of-way begins at milepost F-4.5 at Toronto, where it connects with FCEN's Toronto-Winter Garden line and crosses and connects with FCEN's Orlando-Umatilla line. From Toronto, the Forest City Spur extends in a generally northeasterly direction approximately 3.4 miles to the end of track at milepost F-1.1 in Forest City, FL. The area around the Forest City Spur is flat, developed and urban/suburban, with residential land uses prevailing along most of the line and some industrial locations near Toronto. The eastern end of the line is directly paralleled by Bunnel Road. The single track Forest City Spur is laid with 85-pound rail rolled in 1927 and was previously maintained to FRA class 1 stands. The width of the right-of-way is generally 60 feet.

FCEN states that following abandonment, it will salvage rail and track materials from the portion of the Forest City Spur located in Seminole County (County). That portion of the right-of-way will be transferred to the County to facilitate significant local road expansion involving Bunnel Road, which runs parallel and directly adjacent to Forest City Spur.¹ The short distance of trackage in Orange County will

¹ FCEN states that the Forest City Spur was previously owned and operated by CSX Transportation, Inc. (CSXT). When FCEN purchased the line from CSXT in 1986, it acquired outright the track and track materials and obtained a lease of an operating rights over the underlying property.

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remain in place and be used for railcar storage.

ENVIRONMENTAL REVIEW

FCEN submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post abandonment activities, including salvage and disposition of the right-of-way. FCEN served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. Also, consultations have been made with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included: Board of County Commissioners Seminole County; Board County Commissioners Orange County; Deputy State Historic Preservation Officer Bureau of Historic Preservation; Florida Department of Environmental Services; Florida Department of Transportation; Florida Department of Environmental Protection; Military Surface Deployment & Distribution Command Transportation Engineering Agency Railroads for National Defense Program; National Geodetic Survey; National Park Service, Recreation Resources Assistance Division; National Park Service, Southeast Region; U.S. Army Corps of Engineers, Jacksonville District, Regulatory Division; U.S. Department of Agriculture; U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency; and the USDA Natural Resources Conservation Service.

The National Geodetic Survey (NGS) has submitted comments stating that 2 geodetic station markers have been identified that may be affected by the proposed abandonment. NGS states that if there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

HISTORIC REVIEW

FCEN submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. FCEN served the report on Ms. Laura A. Kammerer, Deputy State Historic Preservation Officer, Bureau of Historic Preservation, Florida Department of State (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no properties listed in or eligible for inclusion in the National Register of Historic Places National Register)

¹(...continued)

Ownership of the real estate comprising the right-of-way remained with CSXT. While FCEN does not own the property underlying the Forest City Spur, its abandonment of the line is necessary to allow any other use or development of that property to proceed.

would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of FCEN's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority.

1. FCEN shall consult with the NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In this case, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless,

Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, 1925 K St., N.W., Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, 1925 K. St., N.W., Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to STB Docket No. AB-319 (Sub-No. 4X) in all correspondence, including e-filings addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1657, fax at (202) 565-9002, or e-mail at Ann Newman@STB.dot.gov.

Date made available to the public: December 17, 2004.

Comment due date: January 3, 2005.

By the Surface Transportation Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment



RTM
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 arial photographs
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THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST